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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/312,740	05/14/1999	DOUGLAS F. BEAVEN	108473.114	2986

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EXAMINER

KRISCIUNAS, LINDA MARY

ART UNIT PAPER NUMBER

3623

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/312,740

Applicant(s)

BEAVEN, DOUGLAS F.

Examiner

Linda Krisciunas

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 187-210 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 187-194, 197-206 and 210 is/are rejected.
- 7) ☒ Claim(s) 195, 196 and 207-209 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 24, 2005 has been entered.

Receipt of Michael Heck's affidavit dated May 14, 1999 was received and considered in review of this application.

This RCE application will be reviewed by another examiner, Linda Krisciunas.

**Response to Amendment**

The 35 USC 112 second paragraph rejection in the last Office Action for claims 187, 191 and 192 for indefiniteness is not withdrawn in response to the applicant's arguments. The term "observe" is equally indefinite as it is subjective and non-measurable.

**Response to Arguments**

The Applicant's arguments filed October 24, 2005 concerning 35 USC 103 in the last Office Action for claims 187-191 and 198-206 are not persuasive. Instead, the examiner will site new art as grounds for rejection as noted in the Office Action below. In

addition, this new art changes the status of claims 192-194, 197 and 210 from allowable subject matter to being rejected under 35 USC 103.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 187, 191 and 192 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "observe" and "perceive" and subjective and non-measurable and therefore render the claim indefinite.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 187-194, 197-206 and 210 are rejected under 35 U.S.C. 103(a) as being unpatentable over Board (High End Project Managers, Infoworld, Feb 1, 1993, p 61-69) in view of Aoyama (Web Based Agile Software Development by Mikio Aoyama, IEEE Software Nov/Dec 1998, p 56-65.)

As per claim 187, Board teaches a processor which has access to a representation of a model of the business, the model including representations of model

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entities (p. 59, col 1-3 and p.63, col 1. Board teaches a major shift in project management as more companies deploy planning software throughout their corporations. Most are built on standard databases. Primavera Project Planner is best known for managing large engineering and construction jobs. Tables contain only the data items needed to build a project network. Inherently, a computer with a processor is used to run the software and has access to the databases.) Board also teaches an interface to the system, the interface provided by the processor and the permitting a person to perceive and modify the model entities and the hierarchies and to observe and modify the information to which the model entities provide access (p. 60, col 3-4, p. 63, col 1 and p. 67, col 1. Board teaches better interfaces let you place software in the hands of those who actually are responsible for day-to-day management. Spreadsheet style menus make it easy to record activity in a general form then switch to additional windows when adding details. Primavera's graphical interface, Penguin, displays a PERT chart with a superimposed data entry form.) Board does not explicitly teach model entities grouped in hierarchies. Aoyama teaches that it is known to use representations of the model entities that belong to hierarchies including a hierarchy and/or another hierarchy, and the representations of model entities providing access to information relating to the business for the purpose of efficiently organizing and accessing information (See Figure 2 which depicts a hierarchy of information which is inter-related and may belong to more than one hierarchy. In addition, the entity contains information related to the business.) Aoyama is an analogous art as it also teaches a software-based management system. Therefore, it would have been obvious to one of

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ordinary skill in the art at the time of the invention to combine the management system of Board with the hierarchy feature of Aoyama for the purpose of providing an efficient storage and access means for information.

As per claim 188, Board does not explicitly teach sorting model entities according to a hierarchy structure. Aoyama teaches that it is known to sort according to a hierarchy structure (See Figure 2 which depicts a hierarchy of information where the items are sorted according to categories such as organization, process and product.) for the purpose of providing a more efficient means for storing and accessing information. Aoyama is an analogous art as it also teaches a software-based management system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the management system of Board with the hierarchy feature of Aoyama for the purpose of providing an efficient storage and access means for information.

As per claim 189, Board teaches the model entity includes representations of the information. (Board p. 67, col 1 teach Primavera's graphical interface, Penguin, displays a PERT chart with a superimposed data entry form.)

As per claim 190, Board teaches an interface for sorting the entities according to values of the included representations of information. (Board p. 63, col 1 and p. 67, col 1 teach P3 lets you establish financial codes for tracking costs at different levels of detail. P3 gives you 75 basic reports that you can modify by selecting sort order and filtering criteria.)

As per claim 191, Board teaches there is a plurality of types of model entities (p. 63, col 1 Primavera Project Planner lets you tie subprojects together by defining relationships across projects.) A representation of a model entity specifies the represented model entity's type (p. 67, col 1 project planner lets you expand the database with up to eight custom fields for tracking items. These custom resource fields can accommodate expanded resource names.) The interface permits the person to observe the type of model entity (p. 63, col 1 and p. 67, col 1 Primavera Project Planner lets you tie subprojects together by defining relationships across projects. Primavera's graphical interface (Penguin) displays a PERT chart with a superimposed data entry form.)

As per claims 198-206, they recite substantially the same limitations as 187-191 with the distinction of the recited system being a method. Hence the same rejections apply for claims 198-206 as applied for claims 187-191.

As per claim 192, Board does not explicitly teach further representations of the model. Aoyama teaches that it is known that the model has further representations of further information that are related to the model entities (See Figure 2 where the Enhancements feature contains additional information); the interface permits the person to observe how the further information is related to the model entities and to access the related further information (See Figure 2 where the additional information is displayed in graphical form for the user and the user can click on the information to learn more. Additionally, p.59, col 1, paragraph 1 mentions the user is able to "browse through progress reports for the projects and teams..." which indicates an interaction with the

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system and being able to access information posted). Aoyama is an analogous art as it also teaches a software-based management system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the management system of Board with the additional model information feature of Aoyama for the purpose of providing a more complete collection of information.

As per claim 193, Board does not explicitly teach modifying the additional information. Aoyama teaches that it is known for the interface to permit the person to modify the further information (p. 63, col 1, 2<sup>nd</sup> bullet: "supports the creation, editing, retrieval and change control of design documents"). Aoyama is an analogous art as it also teaches a software-based management system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the management system of Board with the modification capability feature of Aoyama for the purpose of providing a means of providing more accurate and timely (JIT) information.

As per 194, Board does not explicitly teach the additional information is a document. Aoyama teaches that it is known that the additional information is a document that is accessible to the system (p. 63, col 1, 2<sup>nd</sup> bullet: "supports the creation, editing, retrieval and change control of design documents"). Aoyama is an analogous art as it also teaches a software-based management system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the management system of Board with the additional document feature of Aoyama for the purpose of providing more complete information.



As per 195, Board does not explicitly teach information is a message sent to a person by another person. Official notice is taken that both the concept and advantage of sending messages between people is well known and expected in the art. It would have been obvious to have provided a messaging system between people in a processing management system to provide a more efficient means of communicating information.

As per claim 196, Board does not explicitly teach there is an information discussion concerning the model entity among the persons. Official notice is taken that both the concept and advantage of discussing model entities (projects etc) between people (team members) is well known and expected in the art. Therefore, it would have been obvious to have provided a discussion means between people to provide a more efficient means of communicating project/management related information

As per 197 and 210, Board teaches the claims of 187, but does not explicitly teach a data storage device. Aoyama teaches that it is known to use a data storage device which contains a program for executing the system. Aoyama is an analogous art as it also teaches a software-based management system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the management system of Board with the data storage feature of Aoyama for the purpose of providing an efficient storage means for information.

As per claims 207-209, they recite substantially the same limitations as claims 192-196 with respect to the number of indications received. Hence the same rejections apply for claims 207-209 as applied for claims 192-196.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches a management software system: Goossens et al (US 6,356,880), Marchak et al (US 6,006,195), Taylor et al (US 6,292,830), Minkiewicz et al (US 6,073,107) and "Prototyping a Project Master Data Base for Software Engineering Environments" by Maria Penedo, Association for Computing Machinery, 1986.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Dec 9, 2005*

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